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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

and

WESTERN WATERSHEDS PROJECT,
et al.,

Consolidated Plaintiffs,

v.

UNITED STATES FISH AND
WILDLIFE SERVICE, et al.,

Defendants,

and

SPORTSMEN'S ALLIANCE
FOUNDATION, SAFARI CLUB
INTERNATIONAL, and ROCKY
MOUNTAIN ELK FOUNDATION,

Proposed Intervenor-
Defendants.

**Lead Case
9:24-cv-00086-DWM**

Member Case
9:24-cv-00087-DWM

**PROPOSED INTERVENOR-
DEFENDANTS SPORTSMEN'S
ALLIANCE FOUNDATION, SAFARI
CLUB INTERNATIONAL, AND
ROCKY MOUNTAIN ELK
FOUNDATION'S UNOPPOSED
MOTION TO INTERVENE**

COMES NOW, Proposed Intervenor-Defendants Sportsmen's Alliance Foundation, Safari Club International, and Rocky Mountain Elk Foundation ("Hunting Intervenor") and, in accordance with Federal Rule of Civil Procedure 24 and Local Rule 24.1, respectfully move to intervene in these consolidated cases to defend the U.S. Fish and Wildlife Service's denial of two petitions requesting that the gray wolf be relisted under the Endangered Species Act in the Northern Rocky Mountain and Western states regions.

These consolidated cases were previously filed in this Court as Lead Case No. CV 24-43-M-DWM and Member Case No. CV 24-44-M-DWM. On May 16, 2024, this Court granted Hunting Intervenor's Motion to Intervene as of right in those cases, finding that the requirements of Rule 24(a) were met. Lead Case Dkt. 15. On June 17, Plaintiffs filed a Stipulation to Dismiss those cases without prejudice (the "Stipulation"). Lead Case Dkt. 25. The Stipulation acknowledges a dispute between Plaintiffs and Federal Defendants over compliance with the Endangered Species Act's 60-day notice provision. *Id.* ¶ 1. It explains that Plaintiffs chose to voluntarily dismiss their complaints and immediately refile to avoid objections to this Court's jurisdiction on that ground. *Id.* ¶ 2. The Stipulation states that "Plaintiffs intend to immediately refile their lawsuits in this Court," *Id.* ¶ 3, which Plaintiffs have done in these cases. It further states that Intervenor-Defendants "intend to immediately refile their motions to intervene and responsive pleadings in the same form as filed on

May 10, 2024, which Plaintiffs do not oppose and for which Federal Defendants take no position.” *Id.* ¶ 3.

In accordance with the Stipulation and pursuant to the law of the case doctrine,¹ Hunting Intervenors respectfully re-file their Motion to Intervene and supporting documents in substantially the same form as filed on May 10, 2024. Hunting Intervenors have updated the Motion and counsel signatures as appropriate. However, all declarations have been submitted in the same form, as agreed with Plaintiffs. Hunting Intervenors respectfully request that this Court accept those declarations, including through judicial notice of their prior filing if necessary.² Hunting Intervenors further request that this Court, again, grant them intervention as of right under Rule 24(a). *See* Lead Case Dkt. 15. As noted above, Plaintiffs do not oppose and Federal Defendants take no position on the Motion.

Based on the arguments in the attached brief and the Court’s prior findings and conclusions, Hunting Intervenors respectfully request that the Court grant the Motion.

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¹ *See, e.g., Ingle v. Cir. City*, 408 F.3d 592, 594 (9th Cir. 2005) (“Under the law of the case doctrine, ‘a court is generally precluded from reconsidering an issue previously decided by the same court, or a higher court in the identical case.’”) (citation omitted).

² *See* Fed. R. Evid. 201(c); *Bynum v. Cnty. of Los Angeles*, No. 21-CV-4453, 2023 WL 4143268, at *9 (C.D. Cal. May 22, 2023).

DATED this 2nd day of July, 2024.

Milodragovich, Dale & Steinbrenner, PC

By



Hannah Stone

*Attorneys for Proposed Intervenor-Defendants
Sportsmen's Alliance Foundation, Safari Club
International, and Rocky Mountain Elk Foundation*

CERTIFICATE OF SERVICE

I, the undersigned, of Milodragovich, Dale & Steinbrenner, PC, Attorneys for Defendants-Intervenors Sportsmen's Alliance Foundation, Safari Club International, and Rocky Mountain Elk Foundation, hereby certify that on this 2nd day of July, 2024, a copy of the foregoing document was served on the following persons by the following means:

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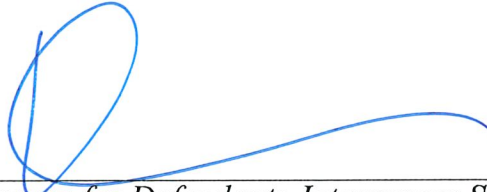
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A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a horizontal line extending to the right.

Attorneys for Defendants-Intervenors Sportsmen's Alliance Foundation, Safari Club International, and Rocky Mountain Elk Foundation